

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In Re: John C. Szumowski

Debtor(s)

**Address: 2484 Ridge Road
Scotia, NY 12302**

**Case No.: 10-12431
Chapter 13**

AFFIDAVIT OF GERALD M. LAPORTE

**CITY OF RESTON)
COMMONWEALTH OF VIRGINIA)ss**

I, Gerald M. LaPorte, being duly sworn, deposes and says:

1. I am an Ink Chemist and Document Dating Specialist with Riley Welch LaPorte & Associates Forensic Laboratories.
2. I make this affidavit based on my personal experience, background and professional expertise and in support of the debtor, John C. Szumowski's ("Szumowski") opposition to the creditor, BAC Home Loans Servicing, LP (BAC's) Motion and Application for a Protective Order dated April 19, 2011.
3. My educational background includes a BS from the University of Windsor in Biology and a Bachelor of Commerce in Business Administration from the same institution.
4. I received a Master's Degree in Forensic Science from the University of Alabama at Birmingham in 1994.
5. From March 2007 to the present I have been employed full time as the Forensic Policy Program Manager for the Federal Government.
6. Previously, from April 2001 to March 2007, I served as the Chief Research Forensic

Chemist for the United States Secret Service where I performed physical and chemical examinations on a variety of documents to determine how they were produced, where they may have originated from, and if they are authentic.

7. I have also previously served as an Adjunct Professor of Forensic Science for Marymount University (2008-2009) and as a guest Forensic Science Lecturer for the University of Alabama at Birmingham (1994-1996).
8. In addition to these positions I was also a Forensic Scientist for the Commonwealth of Virginia's Division of Forensic Science (1999-2001) and a Forensic Chemist for Anne Arundel County Police Department Crime Lab in Maryland (1999).
9. I am currently a member of a number of professional associations relating to forensic science, including the American Academy of Forensic Sciences (AAFS), American Society of Questioned Document Examiners (ASQDE), and the Mid-Atlantic Association of Forensic Scientists (MAAFS), who in 2005 awarded me the Forensic Scientist of the Year Award.
10. I have presented over 50 workshops, lectures, and training seminars to professional organizations, law enforcement agencies, and forensic scientists relating to document analysis in a dozen different countries. These presentations have included:
 - “Inkjet Technology and Forensic Examinations” at the Annual Meeting ASQDE in August 2009;
 - “Inkjet Technology and Forensic Examinations” at the Annual Meeting for the Southern Association of Forensic Document Examiners in April 2009;
 - “Methods Used for Authenticating Questioned Documents” at the Mid-Western Association of Forensic Scientists in September 2007;
 - “An Analytical Approach to Forensic Document Examination” at the Federal Bureau of Investigation Academy in April 2007.
11. I have also formally presented research papers relating to forensic document analysis in

eight different countries throughout Europe and Asia.

12. During my career I have authored and co-authored thirteen professional research papers on forensic science including:

-“The Use of Filtered Light for the Evaluation of Writing Inks Analyzed Using Thin Layer Chromatography” Journal of Forensic Sciences Accepted for Publication in May, 2010. Scheduled date of publication is approximately March, 2011;

-“Modern Approaches to the Forensic Analysis of Inkjet Printing – Physical and Chemical Examinations” Journal of the American Society of Questioned Document Examiners, Volume 7, Number 1, June 2004;

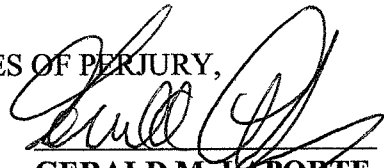
-“Differentiation of Black Gel Inks Using Optical and Chemical Techniques” Journal of Forensic Sciences, Volume 49 (2), March 2004.

13. Finally, I have testified as an expert witness over sixty (60) times on issues related to forensic chemistry, including document examinations and testing, in State, Federal and International courts.
14. I have attached to this affidavit my Curriculum Vitae which provides a complete recitation of my education and professional background.
15. I have been retained by Szumowski to perform forensic tests on the original note allegedly in BAC’s possession and an affidavit submitted by BAC personnel in support of its assertion that BAC is the holder and owner of the note.
16. For each document I will ascertain the authenticity of the document and any signatures and/or endorsements that appear on it and render an opinion as to when each was applied to the original document.
17. The forensic tests that I will perform will determine whether the endorsements/signatures on the originals are authentic and also when these indorsements were applied to the note.
18. The forensic tests that will be conducted will not alter the integrity or legibility of the documents.

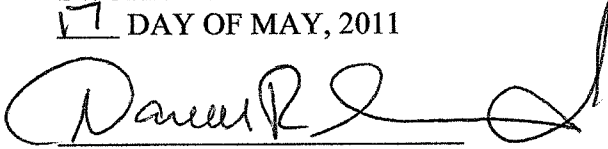
19. Prior to any testing, high resolution photographs and/or scans (non-destructive) will be taken of each document.
20. To perform these forensic tests it will be necessary to remove a small amount of ink from each of the endorsements/signatures that are being authenticated, but the removal of ink will be so small as to be almost imperceptible to the naked eye.
21. The tests that I will perform on the original note will not impact the use of the note nor its negotiability.
22. I have performed these tests on other original documents in the past, including notes such as the one being tested in this case.
23. I will be performing the following tests: microscopic and optical examinations using infrared, ultraviolet, reflected and transmitted light; chemical examinations utilizing thin layer chromatography and gas chromatography/mass spectrometry; and electrostatic detection for the purposes of analyzing written entries and other markings that may have been created during the production of these documents.
24. The easiest method to perform these tests is for the originals to be delivered to my laboratory in Reston, Virginia, which is approximately twenty (20) miles from Washington DC.
25. My laboratory is equipped with a security system and all documents will be secured, when not in active testing, in a safe on premises.
26. To ease any concerns about the forensic tests that I perform, I am more than willing to conduct these tests in the presence of both representatives of BAC, and the Court, and of course Szumowski and his attorney.

27. I can also travel to the original documents and perform my forensic tests outside my laboratory, however this would require that I transport and ship several pieces of delicate laboratory equipment to the site, which I would require both reimbursement for the shipping and indemnification for any potential damage.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY,


GERALD M. LAPORTE

SWORN TO BEFORE ME THIS
17 DAY OF MAY, 2011


NOTARY PUBLIC

DANIELLE R. SMALLWOOD
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires December 14, 2013